

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRYNHILL INVESTMENTS, LLC, and
STONEHILL INVESTMENTS, LLC,

Plaintiffs,

V.

NTENT, INC., PATRICK CONDO, and
MATTHEW G. JONES,

Defendants.

CASE NO.: _____

NOTICE OF REMOVAL

Defendant NTENT, Inc. (“NTENT”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and with the consent of Defendants Patrick Condo (“Condo”) and Matthew G. Jones (“Jones”), hereby gives notice of the removal of this action from the District Court of Dallas County, State of Texas to the United States District Court for the Northern District of Texas, Dallas Division. As grounds for removal, NTENT states as follows:

I. INTRODUCTION

1. On September 28, 2021, Plaintiffs Brynhill Investments, LLC (“Brynhill”) and Stonehill Investments, LLC (“Stonehill”) filed their Original Petition in the 101st Judicial District Court of Dallas County, Texas, styled *Brynhill Investments, LLC and Stonehill Investments, LLC v. NTENT, Inc., Patrick Condo, and Matthew G. Jones*, Cause No. DC-21-14426.

2. On November 1, 2021, NTENT was served a copy of Plaintiffs' Original Petition through the Texas Secretary of State.

II. VENUE

3. The United States District for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the county in which the state court action is now pending. Therefore, under 28 U.S.C. §§ 124(a)(1) and 1441(a), venue may be held in this Court subject to any grounds for dismissal for lack of jurisdiction, or transfer of venue under 28 U.S.C. § 1404.

III. BASIS FOR REMOVAL

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 by virtue of the Parties' complete diversity of citizenship and the amount in controversy.

5. **Diversity of Citizenship:** There is complete diversity of citizenship between the Parties in this action as required by 28 U.S.C. § 1332:

- a. Plaintiff Brynhill: According to Plaintiffs' Original Petition, Brynhill is a Nevada limited liability company with principal offices in Texas. Because Brynhill is a limited liability company, its citizenship is determined by the citizenship of its members. Based on information and belief, the members of Brynhill are citizens of Nevada and Texas. Thus, Brynhill is a citizen of Nevada and Texas.
- b. Plaintiff Stonehill: According to Plaintiffs' Original Petition, Stonehill is a Nevada limited liability company with principal offices in Texas. Because Stonehill is a limited liability company, its citizenship is determined by the citizenship of its members. Based on information and belief, the members of Stonehill are citizens of Nevada and Texas. Thus, Stonehill is a citizen of Nevada and Texas.
- c. Defendant NTENT: NTENT is a Delaware corporation with its principal office in Virginia. A corporation is a citizen of both the state of incorporation and the state of its principal place of business. Thus, NTENT is a citizen of Delaware and Virginia.
- d. Defendant Condo: Condo was, at the commencement of this action, and is presently, a citizen and resident of Virginia.
- e. Defendant Jones: Jones was, at the commencement of this action, and is presently, a citizen and resident of Virginia.

6. **Amount in Controversy:** The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiffs state in their Original Petition that they seek monetary relief in excess of \$1,000,000. Accordingly, removal is proper based on the amount in controversy.

7. **Timeliness:** This Notice of Removal is filed within thirty (30) days of the date that NTENT was served with Plaintiffs' Original Petition. Therefore, this removal is timely under 28 U.S.C. § 1446(b).

8. **Consent:** Pursuant to 28 U.S.C. § 1446(b)(2), Defendants Condo and Jones consent to NTENT's removal of this action.

9. Removal is proper because the Parties are completely diverse in citizenship, the amount in controversy exceeds \$75,000.00, the removal is timely, and Defendants Condo and Jones consent to the removal. Thus, NTENT may remove this action to the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1441.

10. To the extent Plaintiffs purport to assert state law claims, this Court may assert supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367.

IV. RESERVATION OF DEFENSES

11. Because this Notice of Removal is neither a responsive pleading nor a motion under Rule 12 of the Federal Rules of Civil Procedure, NTENT has not waived the right to assert any applicable defenses by removing this action from state court. Rule 12 of the Federal Rules of Civil Procedure provides that every defense to a claim for relief in any pleading shall be asserted in the responsive pleading or by motion. *See* Fed. R. Civ. P. 12(b). NTENT therefore reserves its right to assert any applicable defenses under Rule 12 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1404.

V. PROCEDURAL REQUIREMENTS FOR REMOVAL

12. Pursuant to 28 U.S.C. § 1446(a) and Northern District of Texas Local Rule 81.1, the following items are being filed as exhibits to this Notice of Removal:

- a. An index of all documents that clearly identifies each document being filed and the date the document was filed, attached hereto as **Exhibit A**;
- b. A copy of the docket sheet in the state court action, attached hereto as **Exhibit B**;
- c. Each document filed in the state court action, attached hereto as **Exhibits C-1 to C-12**; and
- d. A separately signed certificate of interested persons that complies with Local Rules 3.1(c), 3.2(e), 81.1(a)(4)(D) and 81.2, attached hereto as **Exhibit D**.

13. Pursuant to 28 U.S.C. § 1446(d), NTENT is also promptly filing written notice of filing this Notice of Removal, and a true and correct copy of this Notice of Removal with the clerk of the 101st Judicial District Court of Dallas County, Texas, and is serving Plaintiffs with copies of the same.

WHEREFORE, by this Notice of Removal, Defendant NTENT, Inc. hereby removes this action from the District Court of Dallas County, State of Texas to the United States District Court for the Northern District of Texas, Dallas Division, and respectfully requests that this action proceed as properly removed to this Court.

Dated: December 1, 2021

Respectfully submitted,

BAKER & HOSTETLER LLP

/s/ L. David Anderson

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**ATTORNEYS FOR DEFENDANTS
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AND MATTHEW G. JONES**

CERTIFICATE OF SERVICE

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on this 1st day of December, 2021, a true and correct copy of the foregoing was served via electronic mail and through the Court's CM/ECF system on the following:

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